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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/010,919      | 01/23/1998  | CHRISTOPHER J. ORDISH | 3432.73540          | 9245             |

7590 02/10/2006

BANNER & WITCOFF LTD  
1001 G STREET NW  
WASHINGTON, DC 200014597

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| EXAMINER |
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KOPPIKAR, VIVEK D

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| ART UNIT | PAPER NUMBER |
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3626

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/010,919

Applicant(s)

ORDISH ET AL.

Examiner

Vivek D. Koppikar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43,45-47,50-66,68,70-72,75-91,93-95,99-101,103,104,106-108,110-116 and 121-123 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date all received.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Continuation of Disposition of Claims: Claims pending in the application are 43,45-47,50-66,68,70-72,75-91,93-95,99-101,103,104,106-108,110-116 and 121-123.

## **DETAILED ACTION**

### ***Status of the Application***

1. Claims 43, 45-47, 50-66, 68, 70-72, 75-91, 93-95, 99-101, 103, 104, 106-108, 110-116 and 121-123 have been examined in this application. The Information Disclosure Statements IDS statement filed on February 2, 2005 and August 19, 2005 have been acknowledged.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 43, 45-47, 50-66, 68, 70-72, 75-91, 93-95, 99-101, 103, 104, 106-108, 110-116 and 121-123 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverman in view of Hartheimer, Bantz and US Patent Number 4,858, 112 to Puerzer.

(A) As per claims 43, 46, 51, 53, 62, 65, 68, 71, 76, 79, 87, 90, 93, 94, 99, 100, 103, 104, 106, and 112, the rejection of these claims over Silverman, Hartheimer and Bantz was set forth in the Office Action dated December 29, 2003.

These claims have been amended to recite that the workstations communicate with each by using data messages. Silverman, Hartheimer and Bantz do not teach that the workstations communicate with each other using data messages, however, this feature is well known in the art as evidenced by Puerzer (Figure 2 and Col. 6, Ln. 1-11). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined method/system/device of Silverman, Hartheimer and Bantz with the aforementioned teachings

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teachings from Puerzer with the motivation of enhancing the speed at which data was accepted and acknowledged, as recited in Puerzer (Col. 4, Ln. 15-27).

(B) As per claims 45, 47, 50, 52, 54-61, 63-64, 66, 70, 72-75, 77-78, 80-86, 88-89, 91, 95, 101, 107-108, 110-111, 113-116 and 121-123 have not been amended and are, therefore, rejected on the same basis as set forth in the Office Action dated December 29, 2003.

***Response to Arguments***

4. Applicant's arguments with respect to claims 43, 45-47, 50-66, 68, 70-72, 75-91, 93-95, 99-101, 103, 104, 106-108, 110- 116 and 121-123 have been considered but are moot in view of the new ground of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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6. Any inquire concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. The fax telephone number for this group is (703) 872-9326 (for official communications including After Final communications labeled "Box AF").

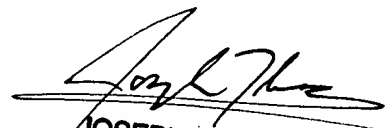
Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,



Vivek Koppikar

1/27/2006



JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER